



Attorney's Docket No. 1033630-000003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Maurice Israel et al.

Application No. 10/049,296

Filed: August 6, 2002

For: PROCESS FOR IDENTIFYING
MODULATING COMPOUNDS OF
NEUROMEDIATORS

) Group Art Unit: 1649
) Examiner: GREGORY S EMCH
) Confirmation No.: 9468
)

DECLARATION BY INVENTOR UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Maurice Israël, hereby state as follows:

1. I am an inventor of the invention described and claimed in the above captioned application. From 1973 to 2005 I was employed by the assignee of the application, Centre National de la Recherche Scientifique (CNRS, France), as Director of Research and I was at the time of the invention Director of the Center for Cellular and Molecular Neurobiology. I am the main founder of Faust Pharmaceuticals, which is the exclusive licensee of the invention. A copy of my curriculum vitae and bibliography is attached hereto.

2. I have reviewed the Office Action mailed 5 January 2005 and the Office Action mailed 15 September 2005 with respect to the rejections of claims in the subject application under 35 U.S.C. § 102 and 103 as allegedly anticipated by, or obvious in view of, Reddy and Sastry (Brain Research, 168:287-98, 1979), and I have reviewed the cited document.

3. I have also reviewed claims 46-56 currently pending in the application, which have been rejected. Reddy and Sastry do not describe or suggest a process of making a preparation of calibrated pieces of mammalian cerebral tissue as described in the claims.

4. Reddy and Sastry describe passing minced brain tissue in Krebs-Ringer bicarbonate solution ten times through nylon bolting cloth having mesh sizes of 433 µm, 264 µm, 130 µm, or 44 µm. See, Reddy and Sastry at 289. Having been repeatedly passed through the cloth, the suspension produced by the method that Reddy and Sastry describe could only contain pieces of tissue with dimensions no larger than the mesh size (see Table 1).

Do not enter
JHE
6/29/06

BEST AVAILABLE COPY

(8/05)